IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL TRANSFER APPL. No. 51 of 2007

KHUSNUMA
V/S
YAKUB KHAN

Mr. FIROZ KHAN, for the appellant / petitioner

Date of Order : 21.9.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Perused the transfer application.

The only ground given is that it is very difficult for the petitioner to travel from Kota to Udaipur to attend regular hearing of the case, and the petitioner is totally dependent on her father. The other ground given is of financial stringency. Then, it is contended that the petitioner seriously apprehends that the respondent might harm the petitioner while she is present in the Family Court.

In my view these grounds do not entitle the petitioner to claim the matter to be transferred inasmuch as it was informed that the petitioner has already lodged F.I.R. against the respondent for the offence under Section

498A and 406 I.P.C. therein challan has already filed, and the matter is pending at Udaipur. Obviously for prosecuting that case she has to go to Udaipur, and again obviously for that she is not going to get any financial assistance from the husband. When she is to go to Udaipur to conduct that case, all other grounds given for transfer lose their significance. So far financial stringent consideration is concerned, the Family Court has appropriate powers.

The transfer application thus has no force, and is dismissed.

(N P GUPTA),J.

/Sushil/